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November 14, 2003

TO: Examiner Strzelecka (TC1600)

GROUP: 1637

FAX NUMBER: 703-872-9306

ATTORNEY DOCKET NO.: DEX-0257

SERIAL NO.: 10/007,280

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MESSAGE: Attached please find Amendment Transmittal Letter, Reply to Restriction Requirement and Certificate of Transmission by Facsimile.

Kathleen A. Tyrrell, Registration No. 38,350

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CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8) Applicant(s): Sun et al.			Docket No. DEX-0257
Serial No. 10/007,280	Filing Date November 7, 2001	Examiner Strczelecka, Teresa E.	Group Art Unit 1637
Invention: Compositions and Methods Relating to Ovary Specific Genes and Proteins			

I hereby certify that this Reply to Restriction Requirement
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AMENDMENT TRANSMITTAL LETTER (Large Entity) Applicant(s): Sun et al.			Docket No. DEX-0257
Serial No. 10/007,280	Filing Date November 7, 2001	Examiner Strzelecka, Teresa E.	Group Art Unit 1637

Invention: **Compositions and Methods Relating to Ovary Specific Genes and Proteins**

TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is an amendment in the above-identified application.

Th fe has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST # PREV. PAID FOR		NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	19	-	20	=	0	x $18.00	$0.00
INDEP. CLAIMS	2	-	3	=	0	x $86.00	$0.00
Multiple Dependent Claims (check if applicable) ☐							$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT							$0.00

- ☒ No additional fee is required for amendment.
- ☐ Please charge Deposit Account No. in the amount of
- ☐ A check in the amount of to cover the filing fee is enclosed.
- ☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. **50-1619**
  - ☒ Any additional filing fees required under 37 C.F.R. 1.16.
  - ☒ Any patent application processing fees under 37 CFR 1.17.

Kathleen A. Tyrrell
Signature

Dated: **November 14, 2003**

Kathleen A. Tyrrell, Reg. No. 38,350

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P11LARGE/REV08

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.:	DEX-0257
Inventors:	Sun et al.
Serial No.:	10/007,280
Filing Date:	November 7, 2001
Examiner:	Strzelecka, Teresa E.
Group Art Unit:	1637
Title:	Compositions and Methods Relating to Ovary Specific Genes and Proteins

Certificate of Facsimile Transmission

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On November 14, 2003

Kathleen A. Tyrrell, Registration No. 38,350

Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Reply to Restriction Requirement

This is a reply to the Restriction Requirement mailed October 15, 2003 setting a one (1) month statutory period for response. Please enter the following remarks into the record.

Remarks begin at page 2.

REMARKS

Claims 1-17 are pending in the instant patent application. Claims 1-17 have been subjected to a Restriction Requirement as follows:

Group I, claims 1-5, 7, 8, 15 (in part) and 17 (in part), drawn to an isolated nucleic acid molecule, a vector comprising the nucleic acid, a host cell comprising the vector and a vaccine comprising the nucleic acid, classified in class 536, subclass 23.1, for example;

Group II, claim 6, drawn to a method for determining the presence of ovary specific nucleic acid (OSNA) in a sample by contacting the sample with a nucleic acid molecule according to claim 1 and detecting hybridization of the nucleic acid molecule to OSNA, classified in class 435, subclass 6, for example;

Group III, claim 9, drawn to a method for producing a polypeptide encoded by nucleic acid molecules of claim 1, classified in class 435, subclass 69.1, for example;

Group IV, claims 10, 11 and 17 (in part), drawn to an isolated polypeptide and a vaccine comprising the polypeptide, classified in class 530, subclass 300, for example;

Group V, claims 12 and 15 (in part), drawn to an antibody which specifically binds to a polypeptide, classified in class

530, subclass 387.1, for example;

Group VI, claim 13, drawn to a method for determining the presence of an ovary specific protein in a sample by contacting the sample with an antibody which selectively binds to the protein, classified in class 435, subclass 7.1, for example;

Group VII, claim 14 (in part), drawn to a method for diagnosing and monitoring the presence or metastases of ovarian cancer in a patient by determining an amount of nucleic acid molecule of claim 1 in a sample and comparing the amount to a control, classified in class 435, subclass 91.2, for example;

Group VIII, claim 14 (in part), drawn to a method for diagnosing and monitoring the presence or metastases of ovarian cancer in a patient by determining an amount of polypeptide of claim 11 in a sample and comparing the amount to a control, classified in class 435, subclass 7.1, for example; and

Group IX, claim 16, drawn to a method of treating a patient with an ovarian cancer by administering an antibody of claim 12, classified in class 424, subclass 130.1, for example.

The Examiner suggests that these Groups are distinct, each from the other.

Specifically, with respect to Groups I and (II, III and VII), Groups IV and VIII and Groups V and (VI,IX), the Examiner

has acknowledged their relationship as product and process of use. However, the Examiner suggests that the products as claimed could be used in materially different processes.

With respect to Groups I and IV and Groups I and V, the Examiner suggests that the Groups are separate and distinct because the inventions are directed to different chemical types.

With respect to Groups I and (VI, VIII, IX), Groups IV and (II, VI, VII, IX), Groups V and (II, III, VII, VIII) and Groups II, III, VII, VIII and IX, the Examiner suggests that the Groups are unrelated since one Group is not required for another.

With respect to Groups III and IV, the Examiner has acknowledged their relationship as process of making and product made. However, the Examiner suggests that the Groups are distinct because the product can be produced by a materially different process.

Further, the Examiner suggests that each of the above Groups reads on patentably distinct sequences and has requested that Applicants further elect a single amino acid of single nucleic acid sequence.

Applicants respectfully traverse this Restriction Requirement.

MPEP §803 provides two criteria which must be met for a

restriction requirement to be proper. The first is that the inventions be independent or distinct. The second is that there would be a serious burden on the Examiner if the restriction is not required. A search of prior art relating to an elected nucleic acid, polypeptide or antibody would also reveal any references teaching uses for the nucleic acid, polypeptide or antibody. Accordingly, Applicants believe that searching of all the claims, at least when limited to elected nucleic acids, polypeptides, or antibodies, is overlapping and would not place an undue burden on the Examiner if the Restriction is not made.

Thus, since this Restriction Requirement does not meet both criteria as set forth in MPEP § 803 to be proper, reconsideration and withdrawal of this Restriction Requirement is respectfully requested.

In addition, with respect to the election of a single sequence, MPEP § 803.04 clearly states that a reasonable number of nucleotide sequences, normally ten sequences, can be claimed in a single application. Accordingly, withdrawal of this sequence election requirement and reconsideration to include a more reasonable number of at least 10 sequences in accordance with MPEP § 803.04 is also respectfully requested.

However, in an earnest effort to advance the prosecution of

this case Applicants elect Group I, claims 1-5, 7, 8, 15 and 17 with traverse. Further, Applicants elect the nucleic acid of SEQ ID NO:115 encoding SEQ ID NO:221, with traverse. Since SEQ ID NO:112, SEQ ID NO:113 and SEQ ID NO:114 are sub-sequences of SEQ ID NO: 115, it is respectfully requested that at least SEQ ID NO:112, SEQ ID NO:113, and SEQ ID NO:114 be included in this case as well.

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record.

Respectfully submitted,

Kathleen A. Tyrrell
Reg. No. 38,350

Date: November 14, 2003

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